



MINUTES
OCONEE COUNTY COUNCIL
SPECIAL / CALLED MEETING
May 8, 2015

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Wayne McCall, District II, Council Chairman
Mr. Paul Cain, District III, Vice Chairman
Ms. Edda Cammick, District I, Chairman Pro Tem
Mr. Joel Thrift, District IV
Mr. Reg Dexter, District V

Oconee County Council met at 1:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Scott Moulder, County Attorney Thomas Martin and Elizabeth G. Hulse, Clerk to Council present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens. Members of the press present: Ray Chandler/Anderson Independent, Dick Mangrum/WGOG Radio & Steven Bradley/The Daily Journal.

Call to Order

Mr. McCall called the meeting to order at 1:00 p.m.

Lawsuit Discussion:

Mr. McCall noted that the Administrator provided to Council two copies of the Settlement Agreement & Release {hereafter known as “*Agreement*”} [one complete and one red-lined for change reference – copies filed with these minutes] several moments prior to the start of the meeting.

Mr. Cain made a motion, seconded by Ms. Cammick, to approve the Settlement Agreement & Release as presented at this meeting. Lengthy discussion followed.

Mr. Dexter questioned the Chairman as to why his request to have the attorney representing the County in this litigation matter present at this meeting was denied. Mr. McCall stated that he felt that the attorney was not acting in the best interest of Oconee County, was not responsive to requests for action on this matter and that his work quality was poor; therefore, he stated he saw no value in having the attorney present.

Mr. Dexter read a prepared statement into the record [copy filed with these minutes] highlighting his concerns with the legality of the document presented; misrepresented facts he identified within the Agreement; historical information related to filing the litigation; his concerns regarding documented alleged inappropriate communication/meetings/agreements by some council members with the defendant; and, his feeling that approving the Agreement as written would be morally, ethically and legally wrong.

Mr. Thrift stated that he agreed 100% with Mr. Dexter’s comments; noting that they accurately reflect the facts in this matter. He also read from a brief written statement [copy filed with these minutes] highlighting his belief that Council cannot legally enter into the Agreement presented. Lastly, he presented a copy of an email with the attorney of record for the plaintiffs, Mr. D. Randle Moody, II, Esq., noting his continued advice to Council to not execute the Agreement as written.

Ms. Cammick stated that she could not comment on the merits of the lawsuit; however, spending in excess of \$500,000 in order to collect +/--\$300,000 was inappropriate and that is why she supports signing the Agreement.

Mr. Cain stated his agreement with Ms. Cammick and his support for executing the Agreement as the cost saving to the county taxpayers is always paramount in his decision making.

Mr. McCall stated his agreement with Mr. Cain and Ms. Cammick and that action needs to be taken on this matter to avoid the court hearing scheduled for Tuesday, May 12, 2015.

Mr. Moulder noted that per the action of Council at the May 5, 2015 regular meeting he contacted the attorney directing that the matter be removed from the docket.

Mr. Dexter noted his agreement with Mr. Thrift's comments and again voiced concerns with the legality of the Agreement.

Mr. Thrift questioned Mr. Martin, County Attorney [not the county's representative in the legal action], regarding several issues related to specific language regarding "6. Revision of the Hanger Agreement" which relates to the County agreeing to extend the lease for the hanger for ten [10] years. Mr. Martin stated that he just received the document three minutes prior to the meeting not having sufficient time to read the document in its entirety; however, based on that statement, he noted that as written that the County cannot extend the lease in this manner. The County can only transfer an interest in real property by adopting an ordinance which requires three readings and a public hearing. Mr. Martin deferred to Mr. Cain regarding his opinion of the legality based on state law of this section. Mr. Cain made a suggestion to change the word "shall" to "may" in the section. Discussion followed.

Mr. Dexter questioned if Council had the authority in state law to forgive taxes as outlined in the Agreement. Mr. Martin again stated upon a cursory review of the document and his understanding of state law that Council does not have the authority to forgive property taxes; that there is a process in place in state law to allow for appeals and ultimately a review in a court of law.

Mr. Thrift questioned Mr. Martin if it would be sensible for Mr. Cain to withdraw his motion to allow time for Council to fully review the document. Mr. Cain declined to withdraw his motion. Mr. Cain asked Mr. Martin how long a review would take in order for Council to schedule another meeting to finalize this matter.

Mr. McCall called for the vote on the motion to approve the Settlement Agreement & Release as presented at this meeting. The motion failed 1 – 4 [Ms. Cammick, Mr. Cain, Mr. Thrift & Mr. Dexter opposed].

Mr. Dexter asked Mr. Martin if the action of Council taken regarding this matter at the May 5, 2015 meeting remains in effect. Mr. Martin concurred with Mr. Dexter's statement.

Ms. Cammick made a motion, seconded by Mr. Cain, approved 4 – 1 [Mr. Dexter opposed] to allow Mr. Martin sufficient time to review the document and make recommendation to Council by close of business, Monday, May 11, 2015; and, to schedule an additional special meeting for Tuesday, May 12, 2015 to take action on this matter. Mr. Martin reiterated that he will review the document only for content and legality but he will not provide legal advice regarding the overall litigation matter.

Lastly, Mr. Martin clarified the record regarding two parliamentary rulings he made at the May 5, 2015 meeting; noting that the clarification would not have changed the outcome but that after further review of the South Carolina Model Rules for Parliamentary Procedure that [1] a "lay on the table" motion does not automatically move action to a future meeting, and [2] the "substitute motion" should not have taken prescient over the main motion on the floor.

Executive Session

Council did not enter Executive Session at this meeting.

Adjourn

Ms. Cammick made a motion, approved unanimously 5 – 0, to adjourn at 1:57 p.m.

Respectfully Submitted:

Elizabeth G. Hulse, Clerk to Council